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In re Application of
CHIBA et al.
Application No.: 09/807,322
PCT No.: PCT/EP99/07691
Int. Filing Date: 13 October 1999
Priority Date: 26 October 1998
Attorney Docket No.: MO6319/SBU-1
For: METHOD OF PREPARING RIGID
POLYURETHANE FOAM

DECISION ON
PAPERS UNDER 37 CFR 1.42

This decision is in response to applicants' "Renewed Submission Under 37 CFR 1.42 Declaration under 37 CFR 1.497(a)-(b)" filed 13 February 2002. In a decision dated 06 December 2001, applicants' petition filed 28 September 2001 was dismissed because the declaration was not acceptable under 37 CFR 1.497.

On 13 February 2002, applicants filed the present papers under 37 CFR 1.42.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

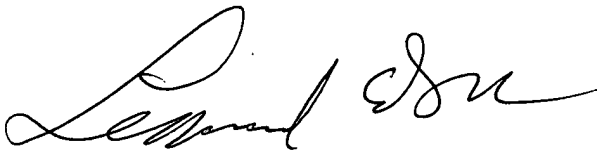
The declaration submitted on 13 February 2002 was executed by Kazuko Chiba, Kumiko Chiba, and Mamiko Chiba as "heirs" to the deceased inventor Takanori Chiba. As stated in the previous decision, Yasuo Yoshitoshi, Japanese counsel, avers that, "Mr. Takanori Chiba's name (from his family register) is recognized to be a clear and sufficient proof verifying that his wife, Ms. Kazuko Chiba, first daughter, Ms. Kumiko Chiba, and second daughter, Ms. Mamiko Chiba are the legal representative and heirs who are to succeed to all right, title and interest over any property previously owned by her husband/their father Takanori Chiba, deceased." The declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b). Accordingly, the requirements for entry into national stage under 35 U.S.C. 371(c) were completed as of 13 February 2002.

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

The application has an international filing date of 13 October 1999, under 35 U.S.C. 363, and a 35 U.S.C. 371(c) date of **13 February 2002**.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.



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